

**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 16-25**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING HOMER CITY CODE 5.20.020, OPEN BURNING- PERMIT  
REQUIREMENT, BY REQUIRING A PERMIT TO BURN  
COMBUSTIBLE MATERIALS IN AN APPROVED BURN BARREL, AND  
AMENDING HOMER CITY CODE 5.20.030, TRASH BURNING-  
APPROVED CONTAINER, BY REQUIRING A PERMIT TO BURN  
TRASH IN A SCREEN COVERED CONTAINER OR OTHER TRASH  
BURNER APPROVED BY THE FIRE CHIEF.

WHEREAS, The State of Alaska Division of Forestry amended the regulations pertaining  
to the use of burn barrels for the disposal of Class A materials, including wood, grass, and  
other organic materials, and now requires a permit for the use of a burn barrel during burn  
season, which begins on April 1 and ends on August 31 ("burn season"); and

WHEREAS, This change will affect the authorized use of burn barrels within the city  
limits of Homer, as well as all surrounding areas.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 5.20.020, Open burning – Permit requirement, is amended  
to read as follows:

5.20.020 Open burning – Permit requirement.

a. Except as provided in subsection (c) of this section, no person shall burn any  
combustible material in the open without a permit from the City, including in  
approved burn barrels. Burning permits shall be available at the Fire Department and  
shall be issued only upon approval of the Fire Chief or other official with written  
delegation of authority from the Fire Chief. Any person burning combustibles, whether  
under the authority of a permit or not, is solely responsible for any damage caused by  
the fire.

b. If the Fire Chief determines that weather or other conditions create a situation  
where open burning may create a hazard to public health or safety, or property, the  
Fire Chief may refuse to issue burning permits, restrict the number of permits issued,  
impose additional restrictions on new permits, modify, suspend, or revoke existing  
permits, prohibit campfires, and take other measures necessary to protect health,

safety, life, and property for as long as the hazardous conditions exist.

c. A person may use a barbecue and burn a campfire in a developed fire pit or ring without a burning permit.

d. The Fire Chief shall have authority to impose conditions on burning permits and to suspend or modify burning permits as necessary to protect public health and safety, life and property. The Fire Chief shall have authority to revoke a burning permit for violation of the terms of the permit.

e. The intentional use of coal as a fuel in any open burning, barbecues or campfires is prohibited; however, the use of charcoal is exempt.

f. The violation of any provision contained in this chapter shall be punished under the general penalty provision of HCC 1.16.010. The City may also invoke civil penalties and remedies under HCC 1.16.020.

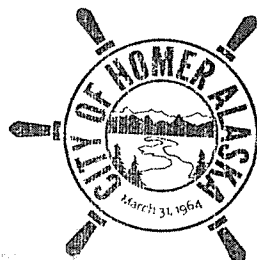
Section 2. Homer City Code 5.20.030, Trash burning – Approved container, is amended to read as follows:

5.20.030 Trash burning – Approved container.

No person shall burn trash without a permit. All open burning of household waste or other materials is prohibited, except brush, grass, wood and paper products that are uncontaminated under applicable DEC regulations.

Section 3. This ordinance shall be of a permanent and general character and shall be included in the City code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 13<sup>th</sup> day of June, 2016.



CITY OF HOMER

*Mary E. Wythe*  
MARY E. WYTHE, MAYOR

ATTEST:

*Jo Johnson*  
JO JOHNSON, MMC, CITY CLERK

85 YES: 6  
86 NO: 0  
87 ABSTAIN: 0  
88 ABSENT: 0

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91 First Reading: 5/23/16

92 Public Hearing: 6/13/16

93 Second Reading: 6/13/16

94 Effective Date: 6/14/16

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96 Reviewed and approved as to form.

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98 Mary K. Koester

99 Mary K. Koester, City Manager

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101 Date: 6.15.16

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103

104 Fiscal Note: N/A

Holly C. Wells  
Holly C. Wells, City Attorney

Date: 7.1.16